

Message Text

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64

ACTION EUR-12

INFO OCT-01 ISO-00 L-03 JUSE-00 TRSE-00 CIAE-00 INR-07

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R 171830Z NOV 75

FM AMEMBASSY OTTAWA

TO SECSTATE WASHDC 8058

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POUCHED INFO AMCONGEN TORONTO

E.O. 11652: N/A

TAGS: PBOR, CA, US

SUBJ: REPORTED BORDER INCIDENT AT DETROIT/WINDSON

REF: OTTAWA 4067

1. ON NOVEMBER 5 IN HOUSE OF COMMONS SECSTATE FOR EXTERNAL AFFAIRS WAS ASKED BY NDP MEMBER ANDREW BREWIN IF HE WOULD "INQUIRE INTO AN INCIDENT IN THE COURSE OF WHICH IT IS ALLEGED THAT ONE CHARLES APAQUASH, A CANADIAN CITIZEN WAS CHASED BY THE DETROIT POLICE FROM THE DETROIT END OF THE TUNNEL BETWEEN DETROIT AND WINDSOR AND WAS ARRESTED BY THE DETROIT POLICE WHEN HE WAS ONE THIRD OF A MILE INTO CANADIAN TERRITORY AND WAS THEN HANDCUFFED AND TAKEN BACK TO DETROIT BY THE DETROIT POLICE? IF HE FINDS THAT THE FACTS ARE AS ALLEGED, WILL HE MAKE THE APPROPRIATE PROTEST TO THE AUTHORITIES OF THE UNITED STATES AGAINST THIS HIGH HANDED INVASION OF CANADIAN TERRITORY AND THE RIGHTS OF CANADIANS?"

MACEACHEN REPLIED THAT HE WOULD CERTAINLY INQUIRE INTO THE SITUATION, NOTED THAT INCIDENTS OF LIKE CHARACTER HAD HAPPENED IN THE PAST, AND SAID "WE HAVE EXPRESSED TO THE GOVERNMENT OF THE UNITED STATES THE SERIOUS CONCERN WE FEEL AT INCURSIONS INTO CANADA
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BY POLICE AUTHORITIES IN BORDER COMMUNITIES. AFTER

I HAVE EXAMINED THIS PARTICULAR CASE, IT MAY BE NECESSARY TO FOLLOW UP WITH FURTHER REPRESENTATIONS TO THE AUTHORITIES OF THE UNITED STATES."

2. FOLLOWING DAY TORONTO GLOBE & MAIL CARRIED ARTICLE ON INCIDENT WHICH REPORTEDLY TOOK PLACE OCTOBER 6. ARTICLE INDICATED THAT WINDSOR POLICE CHIEF WAS INVESTIGATING CASE. ARTICLE ALSO INDICATED THAT APAQUASH WAS RELEASED ON \$200 BAIL, THAT COURT HEARING SCHEDULED IN DETROIT FEBRUARY 19 AND AT THAT TIME APAQUASH'S LAWYER WILL ASK FOR DISMISSAL ON GROUNDS DETROIT POLICE HAVE NO JURISDICTION IN CANADA.

3. EXTAFF USA DIVISION CHIEF SHORTLIFFE HAS MENTIONED CASE TO POLCOUNS WHO NOTED THAT WHETHER ARREST WAS MADE INSIDE CANADA OR IN US WAS APPARENTLY IN DOUBT AND PRESUMABLY WOULD NOT BE LEGALLY ESTABLISHED UNTIL FEBRUARY HEARING.

HE ALSO INFORMED SHORTLIFFE OF SIMILAR REVERSE CASE WHICH OCCURRED JULY 27 AT VAN BUREN, MAINE, WHEN RCMP OFFICERS ARRESTED AMCIT PERCY ROY ON US SIDE OF BORDER. CHARGES AGAINST ROY WERE EVENTUALLY WITHDRAWN ON GROUNDS ARREST ON US SIDE IMPROPER.

4. ACTION REQUESTED: EMBASSY WOULD APPRECIATE ANY INFORMATION ON APAQUASH CASE AVAILABLE TO DEPT. IF IN FACT HE ARRESTED ON CANADIAN SIDE, APAQUASH AND ROY CASES INDICATE THAT POLICE OFFICIALS ON BOTH SIDES OF BORDER ARE IN NEED OF REMINDER PROPOSED REFTEL. THIS NEED PARTICULARLY EVIDENT IN ROY CASE, WHERE US POLICE ASSISTED RCMP IN MAKING ARREST.
PORTER

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Message Attributes

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